

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

1. THE ESTATE OF ANNA HAUCK by and )  
Through its Representatives Eddy M. Hauck )  
And Rudolph M. Hauck; )
2. THE ANNA HAUCK LIVING TRUST by )  
And Through its Trustees Eddy M. Hauck )  
And Rudolph M. Hauck; )
3. EDDY A. HAUCK, individually and/or )  
as beneficiary/representative of the Estate )  
of Anna Hauck and/or as Trustee and/or )  
Beneficiary of The Anna Hauck Living )  
Trust; )
4. RUDOLPH M. HAUCK, individually )  
and/or as beneficiary/representative of the )  
Estate of Anna Hauck and/or as Trustee )  
and/or Beneficiary of The Anna Hauck )  
Living Trust; )

Plaintiffs,

v.

1. PENNSYLVANIA LIFE INSURANCE )  
COMPANY, A Foreign for Profit Insurance )  
Corporation, )
2. CONSTITUTION LIFE INSURANCE )  
COMPANY, FORMERLY UNION )  
BANKERS INSURANCE COMPANY )  
FBO PENNSYLVANIA LIFE )  
INSURANCE COMPANY, A Foreign )  
For Profit Insurance Corporation, )  
Individually and/or dba )  
PENNSYLVANIA LIFE INSURANCE CO.)

Defendants.

CASE NO. CIV-14-1233-M

**COMPLAINT**

**A. Parties**

1. Plaintiffs, Eddy A. Hauck and Rudolph M. Hauck, are each citizens of the State of Oklahoma.

2. Defendant, Pennsylvania Life Insurance Company, is a foreign for profit insurance corporation incorporated and organized under the laws of the state of Pennsylvania.

3. Defendant, Constitution Life Insurance Company, Formerly Union Bankers Insurance Company FBO Pennsylvania Life Insurance Company, is a foreign for profit insurance corporation incorporated and organized under the laws of the state of Texas.

4. The principal place of business for Defendant, Pennsylvania Life Insurance Company is within the state of Illinois.

5. The principal place of business for Defendant, Constitution Life Insurance Company, Formerly Union Bankers Insurance Company FBO Pennsylvania Life Insurance Company, is within the state of Texas.

6. The Defendants, Pennsylvania Life Insurance Company and, Constitution Life Insurance Company, Formerly Union Bankers Insurance Company FBO Pennsylvania Life Insurance Company, are each licensed to conduct business in the state of Oklahoma and may be served with process through the Oklahoma Department of Insurance.

7. This action is not related to any other case filed in this court.

### **B. Jurisdiction**

8. The court has jurisdiction over this matter pursuant to 28 U.S.C. §1332 because there is diversity between the parties and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

### **C. Facts**

9. Decedent insured Anna Hauck purchased a “First Diagnosis Cancer Benefit Policy” (hereinafter “policy”), policy number CA1053539, from Defendant, Pennsylvania Life Insurance Co.

10. The policy became effective April 01, 2009 and remained in effect at all times material to this action. At all material times hereto, decedent Anna Hauck was a citizen of the state of Oklahoma.

11. Eddy A. Hauck and Randolph M. Hauck are decedent Anna Hauck’s only living children. Eddy A. Hauck and Randolph M. Hauck are the trustees of The Anna Hauck Living Trust and are the representatives/beneficiaries of the Estate of Anna Hauck.

12. At all times material hereto, the decedent, Anna Hauck, and Plaintiffs complied with the terms and conditions of the insurance policy.

13. The policy provides insurance benefits in the amount of \$10,000.00 payable upon the insured’s first diagnosis of cancer.

14. On or about November 7<sup>th</sup>, 2012, decedent insured Anna Hauck was diagnosed with chronic myelomonocytic leukemia, thereby effectuating coverage under the terms and conditions of the policy.

15. Plaintiffs timely submitted a claim, claim number 1307200309, for benefits under policy number CA1053539, issued by Defendant, Pennsylvania Life Insurance Co.

16. Defendants, Pennsylvania Life Insurance Co. and/or Constitution Life Insurance Company, Formerly Union Bankers Insurance Company FBO Pennsylvania Life Insurance Company, failed to conduct a reasonable investigation of Plaintiffs' claim.

17. Defendants, Pennsylvania Life Insurance Co. and/or Constitution Life Insurance Company, Formerly Union Bankers Insurance Company FBO Pennsylvania Life Insurance Company, denied Plaintiffs' claim for benefits under policy number CA1053539 issued by Defendant, Pennsylvania Life Insurance Company. Anna Hauck died on or about February 10, 2013.

18. Plaintiffs continued to submit documentation to Defendants, Pennsylvania Life Insurance Co. and/or Constitution Life Insurance Company, Formerly Union Bankers Insurance Company FBO Pennsylvania Life Insurance Company which supported coverage and payment of the claim, including but not limited to medical records and a pathology report.

19. Defendants, Pennsylvania Life Insurance Co. and/or Constitution Life Insurance Company, Formerly Union Bankers Insurance Company FBO Pennsylvania Life Insurance Company unreasonably failed to consider this evidence and persisted in the unreasonable denial of Plaintiffs' claim

**D. Count I Breach of Contract**

20. Plaintiffs hereby assert, allege and incorporate paragraphs 1-19 herein.

21. The acts and omissions of the Defendants, Pennsylvania Life Insurance Company and/or Constitution Life Insurance Company, Formerly Union Bankers Insurance Company FBO Pennsylvania Life Insurance Company, in the investigation, evaluation and payment of Plaintiffs' claim were unreasonable and constitute a breach of contract for which contractual damages are hereby sought.

22. Defendants' breach of contract includes, but is not limited to, the wrongful denial of Plaintiffs' claim. Defendants, and each of them, also breached the contract by failing to reasonably investigate the claim and by ignoring or failing to consider evidence, including pathological reports and medical records submitted by Plaintiffs, which supported coverage under the policy.

**E. Count II Bad Faith**

23. Plaintiffs hereby assert, allege and incorporate paragraphs 1-22 herein.

24. The acts and omissions of the Defendants, Pennsylvania Life Insurance Company and/or Constitution Life Insurance Company, Formerly Union Bankers

Insurance Company FBO Pennsylvania Life Insurance Company, in the investigation, evaluation and payment of Plaintiffs' claim were unreasonable and constitute bad faith for which bad faith and extra-contractual damages are hereby sought.

25. Defendants, Pennsylvania Life Insurance Company and/or Constitution Life Insurance Company, Formerly Union Bankers Insurance Company FBO Pennsylvania Life Insurance Company, acted unreasonably, outside of insurance industry standards, and in bad faith and by the wrongfully denying Plaintiffs' claim. Defendants also acted in bad faith by failing to reasonably investigate the claim and by ignoring or failing to consider evidence, including pathological reports and medical records submitted by Plaintiffs, which supported coverage under the policy. Defendants, Pennsylvania Life Insurance Co. and/or Constitution Life Insurance Company, Formerly Union Bankers Insurance Company FBO Pennsylvania Life Insurance Company, each have a pattern and practice of failing to adequately investigate claims and their denials of Plaintiffs' claim is part of a nationwide strategy to avoid and/or reduce claim payments issued to insureds.

#### **F. Count III Punitive Damages**

26. Plaintiffs hereby assert, allege and incorporate paragraphs 1-25 herein.

27. The unreasonable conduct of the Defendants, Pennsylvania Life Insurance Company and/or Constitution Life Insurance Company, Formerly Union

Bankers Insurance Company FBO Pennsylvania Life Insurance Company, in the handling of

Plaintiffs' claim was intentional, willful, wanton and was committed with a reckless disregard for the rights of the Plaintiffs for which punitive damages are hereby being sought.

**G. Demand for Jury Trial**

28. The Plaintiffs hereby request that the matters set forth herein be determined by a jury of their peers.

**H. Prayer**

29. Having properly plead, Plaintiffs hereby seek contractual, bad faith and punitive damages against the Defendants all in an amount in excess of \$75,000.00; including costs, interest and attorney fees.

Respectfully submitted,

S/ Michael D. McGrew

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**ATTORNEYS FOR THE PLAINTIFFS**